

United States District Court
Southern District of Texas
FILED

MAY 10 2005

Michael N. Milby, Clerk
Laredo Division

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

MAY 12 2005

Michael N. Milby, Clerk
Laredo Division

GUSTAVO CARRANCO

Plaintiff,

vs.

JO ANNE BARNHART,

Defendant.

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CIVIL ACTION L-03-159

MEMORANDUM

Pending is Plaintiff's Petition for Attorney's Fees. (Doc. No. 23.) On April 14, 2005, Magistrate Judge Notzon issued a Recommendation that Plaintiff's Petition be granted. (Doc. No. 26.) Neither side has responded to the Recommendation. Upon review of the file, the Court concludes that the Recommendation is reasonable, and will be approved with two exceptions.

First, the hourly rate for work performed will be \$140.00/hour, the rate that Plaintiff requested in its petition.


Second, the Recommendation incorrectly states the number of hours of work performed to be 26.5 hours (Doc. No. 26, p. 6).

The correct figure is 25.5 hours of work performed.¹ (Doc. No.

¹In his Petition, Plaintiff relied on the correct figures of 25.5 hours of work performed, plus 8.5 hours of travel time, yielding a total of 34 hours to be compensated. However, it incorrectly stated the total to be 35 hours. The Magistrate Judge probably relied on this incorrect figure to calculate the hours of work performed to be 26.5 hours (35 - 8.5 = 26.5).

23; Doc. No. 24, Exh. A.) Thus, Plaintiff should be awarded: 8.5 hours of travel time compensated at \$50.00/hour for a total of \$425.00, and 25.5 hours of other work preparing this case compensated at \$140.00/hour for a total of \$3570.00. The total sum Plaintiff should be awarded is \$3995.00.

DONE at Laredo, Texas, this 10th day of May, 2005.



George P. Kazen
United States District Judge